

**FILED**

OCT 11 2012

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONIQUE BURNS,

Defendant.

CR No. 12-mj-70126 MAG

**STIPULATION AND ~~(PROPOSED)~~  
ORDER CHANGING HEARING DATE  
AND EXCLUDING TIME**

The Court has set October 12, 2012 as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to set the preliminary hearing or arraignment date on November 16, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective preparation of counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the date

STIPULATION & ~~(PROPOSED)~~ ORDER CHANGING HEARING DATE AND EXCLUDING TIME  
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1 of this Order through November 16, 2012. The parties also agree that the ends of justice served  
 2 by granting such an exclusion of time outweigh the best interests of the public and the defendant  
 3 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4  
 5 SO STIPULATED:

MELINDA HAAG  
 United States Attorney

6  
 7 DATED: October 11, 2012

/s/  
 KEVIN J. BARRY  
 Assistant United States Attorney

8  
 9  
 10 DATED: October 11, 2012

/s/  
 CAMELLIA BARAY  
 Attorney for MONIQUE BURNS

11  
 12 PROPOSED ORDER

13 For the reasons stated above, the Court sets November 16, 2012, as the date for the  
 14 arraignment or preliminary hearing. The Court finds that extension of time limits applicable  
 15 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through November  
 16 16, 2012, is warranted; that exclusion of this period from the time limits applicable under 18  
 17 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the  
 18 interests of the public and the defendant in the prompt disposition of this criminal case; and that  
 19 the failure to grant the requested exclusion of time would deny counsel for the defendant and for  
 20 the government the reasonable time necessary for effective preparation of counsel, taking into  
 21 account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.  
 22 §3161(h)(7)(B)(iv).

23  
 24 IT IS SO ORDERED.

25 DATED: 10/11/12

  
 HON. LAUREL BEELER  
 United States Magistrate Judge